

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION, *et al.*,

Defendants.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Adv. Proc. No. 20-0003-LTS

Adv. Proc. No. 20-0004-LTS

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

v.

AMBAC ASSURANCE CORPORATION, *et al.*,

Defendants.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION, *et al.*,

Defendants.

Adv. Proc. No. 20-0005-LTS

**GOVERNMENT PARTIES' UNOPPOSED URGENT MOTION FOR LEAVE TO
EXCEED PAGE LIMIT WITH RESPECT TO OPPOSITION TO MOTION TO
COMPEL IN REVENUE BOND ADVERSARY PROCEEDINGS**

To the Honorable United States Magistrate Judge Judith Gail Dein:

The Financial Oversight and Management Board for Puerto Rico (“Oversight Board”), as Title III representative of the Commonwealth of Puerto Rico (“Commonwealth”) pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”),² as well as the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), in its own capacity, and as successor to the Government Development Bank for Puerto Rico (“GDB”) as fiscal agent, the Puerto Rico Department of Treasury (“Treasury”), the Puerto Rico Highways and Transportation Authority (“HTA”), the Puerto Rico Infrastructure Financing Authority (“PRIFA”), the Puerto Rico Convention Center District Authority (“CCDA”), and the Puerto Rico Tourism Company (“Tourism Company”) (together, the “Government Entities,” and, together with the Oversight Board, the “Government Parties”) hereby move unopposed on an urgent basis for leave to file a single opposition of no more than 30 pages, rather than three separate 15-page oppositions, in response to *Defendants’ Motion to Compel Document Discovery from the Government in the Revenue Bond Adversary Proceedings*, filed March 3, 2021, ECF No. 126,³ as provided in the proposed order attached hereto as Exhibit A.

1. On February 26, 2021, the Parties filed the *Joint Status Report Regarding Discovery in the Revenue Bond Adversary Proceedings* (ECF No. 122) proposing that Defendants would file a motion to compel on March 3, 2021 concerning the discovery issues on which the Parties had reached impasse. The Court accepted this proposed schedule in its *Order Setting Briefing Schedule* (ECF No. 123).

2. On March 2, 2021, Defendants filed the unopposed *Motion for Leave to Exceed*

² PROMESA has been codified in 48 U.S.C. §§ 2101-2241.

³ References to “ECF No. __” refer to Electronic Case Filing numbers in Case No. 20-00003 unless stated otherwise. Further, unless indicated otherwise, the documents in Case No. 20-00003 that are cited in this Motion have also been filed in Case Nos. 20-00004 and 20-00005.

Page Limit with Respect to Motion to Compel (ECF No. 124), requesting leave to file a single motion to compel of 30 pages that would pertain to all three revenue bond adversary proceedings, rather than filing three separate 15-page motions. On March 3, 2021, this Court granted that motion (ECF No. 125), and Defendants proceeded to file a single, 30-page motion to compel (ECF No. 126).

3. The Government Parties now similarly request leave to file a single, 30-page opposition to Defendants' motion to compel, rather than three separate 15-page oppositions—*i.e.*, 15 pages over the 15-page limit set forth in Local Civil Rule 7 made applicable here by Section 3.a. of this Court's *Third Amended Standing Order* as applying to all page-limit and format specifications (Case No. 17-3283, ECF No. 15901-1)—exclusive of the cover page, table of contents and authorities, signature pages, exhibits, and relevant certificates. Doing so is logical given the complexity of the underlying discovery dispute and the fact that Defendants have already presented the issues in a single brief.

4. Defendants have informed the Government Parties that they do not oppose the request.

WHEREFORE, the Government Parties respectfully request that the Court enter an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and granting any such other relief as the Court deems just and proper.

**Certificate of Compliance with
Local Rule 9013-1 and Fourteenth Amended Case Management Procedures**

Pursuant to Local Rule 9013-1 and ¶ 1.H. of the *Fourteenth Amended Notice, Case Management, and Administrative Procedures*, the undersigned counsel hereby certify that they have (a) carefully examined the matter and concluded that there is a true need for an urgent decision; (b) not created the urgency through any lack of due diligence; and (c) made reasonable, good-faith communications in an effort to resolve or narrow the issues before the Court.

Dated: March 8, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Margaret Dale

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CERTIFICATE OF SERVICE

I hereby certify that on this same date a true and exact copy of this notice was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record.

/s/ Luis C. Marini-Biaggi

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UNITED STATES DISTRICT COURT
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Debtors.¹

THE FINANCIAL OVERSIGHT AND
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as representative of

THE COMMONWEALTH OF PUERTO RICO,

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Defendants.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

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Title III

No. 17 BK 3283-LTS

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Adv. Proc. No. 20-0003-LTS

Adv. Proc. No. 20-0004-LTS

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Defendants.

Adv. Proc. No. 20-0005-LTS

**[PROPOSED] ORDER GRANTING THE GOVERNMENT PARTIES' UNOPPOSED
URGENT MOTION FOR LEAVE TO EXCEED PAGE LIMIT WITH RESPECT TO
OPPOSITION TO MOTION TO COMPEL IN REVENUE BOND ADVERSARY
PROCEEDINGS**

THIS MATTER is before the Court on an Urgent Unopposed Motion to Exceed Page Limit filed by the Government Parties.

UPON CONSIDERATION of the Urgent Motion, the relevant portions of the docket, and being otherwise fully advised in this matter, it is hereby **ORDERED** that the Urgent Motion to Exceed Page Limit is **GRANTED**. The Government Parties may file a single, joint brief in opposition to the motion to compel (ECF No. 126), of no more than **thirty (30) pages**, exclusive of the cover page, table of contents and authorities, signature pages, exhibits, and relevant certificates.

Dated: _____, 2021

SO ORDERED:

Honorable Judith G. Dein
United States Magistrate Judge